

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2015 Iowa Acts, Senate File 505, section 68, the Iowa Department of Public Health hereby gives Notice of Intended Action to adopt Chapter 107, “Board-Certified Behavior Analyst and Board-Certified Assistant Behavior Analyst (BCBA/BCaBA) Grants Program,” Iowa Administrative Code.

The proposed new chapter establishes rules to implement the board-certified behavior analyst and board-certified assistant behavior analyst grants program. The program provides grants to Iowa resident and nonresident applicants who have been accepted for admission to or are attending a board of regents university, a community college, or an accredited private institution; are enrolled in a program to be eligible for board certification as a behavior analyst or assistant behavior analyst; and demonstrate financial need. The purpose of the program is to increase access to certified behavior analyst and certified assistant behavior analyst professionals. These rules were written in cooperation with the Department of Education and the Department of Human Services’ Autism Support Program.

Any interested person may make written comments or suggestions on the proposed rules on or before April 5, 2016. Such written comments should be directed to Doreen Chamberlin, Department of Public Health, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319; fax (515)242-6384; e-mail may be sent to doreen.chamberlin@idph.iowa.gov.

A public hearing is scheduled for April 5, 2016, from 3 to 4:30 p.m. on the fourth floor of the Lucas State Office Building, Room 415, 321 East 12th Street, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed chapter.

After analysis and review of this rule making, it is projected that these rules will positively impact employment opportunities for board-certified behavior analysts and board-certified assistant behavior analysts in Iowa. The Department of Education and the Department of Human Services’ Autism Support Program have determined that there are insufficient numbers of board-certified behavior analysts and board-certified assistant behavior analysts to provide services to clients of the Autism Support Program and the public. Health care professionals have a greater likelihood of starting a practice in the state where they completed their training. It is assumed that the establishment of this new program will provide health care agencies that are recruiting these practitioners opportunities to recruit behavior analysts after the analysts have completed their training in Iowa. No formal estimates on the number of jobs are available.

These rules are intended to implement 2015 Iowa Acts, Senate File 505, section 68 [Iowa Code section 135.181].

Adopt the following new 641—Chapter 107:

CHAPTER 107

BOARD-CERTIFIED BEHAVIOR ANALYST AND BOARD-CERTIFIED ASSISTANT BEHAVIOR ANALYST (BCBA/BCaBA) GRANTS PROGRAM

641—107.1(135) Scope and purpose. The board-certified behavior analyst and board-certified assistant behavior analyst (BCBA/BCaBA) grants program is established to increase access for Iowans to applied behavior analysis services by providing grants to Iowa resident and nonresident applicants who have been accepted for admission to or are attending a board of regents university, a

community college, or an accredited private institution; are enrolled in a program to be eligible for board certification as a behavior analyst or assistant behavior analyst; and demonstrate financial need.

641—107.2(135) Definitions. For the purposes of these rules, the following definitions shall apply:

“Board-certified assistant behavior analyst” or *“BCaBA”* means a person who has a bachelor’s degree from an accredited university, has completed approved coursework as defined by the national Behavior Analyst Certification Board, has completed a defined period of supervised practical experience, and has passed the BCaBA examination.

“Board-certified behavior analyst” or *“BCBA”* means a person who has an acceptable graduate degree from an accredited university as defined by the national Behavior Analyst Certification Board, has completed acceptable graduate coursework in behavior analysis, has completed a defined period of supervised practical experience, and has passed the BCBA examination.

“Department” means the Iowa department of public health.

“Director” means the director of the Iowa department of public health.

“Full-time enrollment” means the applicant is enrolled in a program to be eligible for board certification as a behavior analyst or assistant behavior analyst with at least 12 semester credit hours.

“Nonresident” means a person who is not a resident.

“Part-time enrollment” means the applicant is enrolled in a program to be eligible for board certification as a behavior analyst or assistant behavior analyst with 11 semester credit hours or less.

“Resident” means a natural person who physically resides in Iowa as the person’s principal and primary residence and who establishes evidence of such residency by providing the department with one of the following:

1. A valid Iowa driver’s license,
2. A valid Iowa nonoperator’s identification card,
3. A valid Iowa voter registration card,
4. A current Iowa vehicle registration certificate,
5. A utility bill,
6. A statement from a financial institution,
7. A residential lease agreement,
8. A check or pay stub from an employer,
9. A child’s school or child care enrollment documents,
10. Valid documentation establishing a filing for homestead or military tax exemption on property located in Iowa, or
11. Other valid documentation as deemed acceptable by the department to establish residency.

641—107.3(135) Eligibility criteria. To be eligible for a grant, the applicant shall:

107.3(1) Be an Iowa resident or nonresident.

107.3(2) Be accepted for admission to or attending a board of regents university, a community college, or an accredited private institution; be enrolled in a program to be eligible for board certification as a BCBA or BCaBA; and demonstrate financial need.

107.3(3) Have on file with the college student aid commission a current Free Application for Federal Student Aid (FAFSA) and Iowa Financial Aid Application and submit documentation of financial need as described in the department’s request for proposal process.

641—107.4(135) Priority in grant awards. Priority in the awarding of a grant shall be given to resident applicants.

641—107.5(135) Amount of a grant. The department shall award funds based upon the amount set aside in the special fund, as identified in 2015 Iowa Acts, Senate File 505, section 68 [Iowa Code section 135.181]. Moneys appropriated to, and all other moneys specified for deposit in, the fund shall be dedicated to the board-certified behavior analyst and board-certified assistant behavior analyst (BCBA/BCaBA) grants program as established in Iowa Code section 135.181. These rules shall be

implemented only to the extent that funding is available. The total amount of a grant awarded to an applicant shall be based on enrollment status (full-time enrollment or part-time enrollment), the number of applicants and the availability of funds. Awarded grant funds will be payable to the student and prorated on the number of semesters or other terms of study to complete the program.

641—107.6(135) Use of funds. Funding shall be used to offset the cost of tuition, fees and housing to an accredited behavior analyst program within the state of Iowa.

641—107.7(135) Review process.

107.7(1) An applicant shall complete and submit an application to the program in the manner specified by the department. An applicant, if awarded a grant, shall enter into a contract with the department for up to a four-year period. The department shall follow requirements for competitive selection contained in 641—Chapter 176 in awarding these funds.

107.7(2) The department shall establish an application process for applicants eligible to receive funding. The application review process and review criteria for preference in awarding the grants shall be described in a request for proposal.

107.7(3) An applicant may appeal the denial of a properly submitted grant application. Appeals shall be governed by rule 641—176.8(135).

These rules are intended to implement Iowa Code section 135.181.